

1-1 By: Patrick S.B. No. 878
1-2 (In the Senate - Filed February 27, 2013; March 5, 2013,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 22, 2013, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 22, 2013,
1-6 sent to printer.)

1-7	COMMITTEE VOTE			
1-8		Yea	Nay	Absent
1-9	Whitmire	X		PNV
1-10	Huffman	X		
1-11	Carona	X		
1-12	Hinojosa			X
1-13	Patrick	X		
1-14	Rodriguez	X		
1-15	Schwertner	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 878 By: Whitmire

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the disposition of proceeds and property from criminal
1-20 asset forfeiture.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Article 59.06, Code of Criminal Procedure, is
1-23 amended by amending Subsections (c) and (c-1) and adding
1-24 Subsections (d-3) and (d-4) to read as follows:

1-25 (c) If a local agreement exists between the attorney
1-26 representing the state and law enforcement agencies, all money,
1-27 securities, negotiable instruments, stocks or bonds, or things of
1-28 value, or proceeds from the sale of those items, shall be deposited,
1-29 after the deduction of court costs to which a district court clerk
1-30 is entitled under Article 59.05(f), according to the terms of the
1-31 agreement into one or more of the following funds:

1-32 (1) a special fund in the county treasury for the
1-33 benefit of the office of the attorney representing the state, to be
1-34 used by the attorney solely for the official purposes of his office;

1-35 (2) a special fund in the municipal treasury if
1-36 distributed to a municipal law enforcement agency, to be used
1-37 solely for law enforcement purposes~~[, such as salaries and overtime~~
1-38 ~~pay for officers, officer training, specialized investigative~~
1-39 ~~equipment and supplies, and items used by officers in direct law~~
1-40 ~~enforcement duties]~~;

1-41 (3) a special fund in the county treasury if
1-42 distributed to a county law enforcement agency, to be used solely
1-43 for law enforcement purposes; or

1-44 (4) a special fund in the state law enforcement agency
1-45 if distributed to a state law enforcement agency, to be used solely
1-46 for law enforcement purposes.

1-47 (c-1) Notwithstanding Subsection (a), the attorney
1-48 representing the state and special rangers of the Texas and
1-49 Southwestern Cattle Raisers Association who meet the requirements
1-50 of Article 2.125 may enter into a local agreement that allows the
1-51 attorney representing the state to transfer proceeds from the sale
1-52 of forfeited property described by Subsection (c), after the
1-53 deduction of court costs as described by that subsection, to a
1-54 special fund established for the special rangers. Proceeds
1-55 transferred under this subsection must be used by the special
1-56 rangers solely for law enforcement purposes~~[, such as training,~~
1-57 ~~essential equipment, and operating expenses]~~. Any expenditures of
1-58 the proceeds are subject to the audit provisions established under
1-59 this article.

1-60 (d-3) Except as otherwise provided by this article, an

expenditure of proceeds or property received under this chapter is considered to be for a law enforcement purpose if the expenditure is made for an activity of a law enforcement agency that relates to the criminal and civil enforcement of the laws of this state, including an expenditure made for:

(1) equipment, including vehicles, computers, firearms, protective body armor, furniture, software, uniforms, and maintenance equipment;

(2) supplies, including office supplies, mobile phone and data account fees for employees, and Internet services;

(3) investigative and training-related travel expenses, including payment for hotel rooms, airfare, meals, rental of and fuel for a motor vehicle, and parking;

(4) conferences and training expenses, including fees and materials;

(5) investigative costs, including payments to informants and lab expenses;

(6) crime prevention and treatment programs;

(7) facility costs, including building purchase, lease payments, remodeling and renovating, maintenance, and utilities;

(8) witness-related costs, including travel and security; and

(9) audit costs and fees, including audit preparation and professional fees.

(d-4) Except as otherwise provided by this article, an expenditure of proceeds or property received under this chapter is considered to be for an official purpose of an attorney's office if the expenditure is made for an activity of an attorney or office of an attorney representing the state that relates to the preservation, enforcement, or administration of the laws of this state, including an expenditure made for:

(1) equipment, including vehicles, computers, visual aid equipment for litigation, firearms, body armor, furniture, software, and uniforms;

(2) supplies, including office supplies, legal library supplies and access fees, mobile phone and data account fees for employees, and Internet services;

(3) prosecution and training-related travel expenses, including payment for hotel rooms, airfare, meals, rental of and fuel for a motor vehicle, and parking;

(4) conferences and training expenses, including fees and materials;

(5) investigative costs, including payments to informants and lab expenses;

(6) crime prevention and treatment programs;

(7) facility costs, including building purchase, lease payments, remodeling and renovating, maintenance, and utilities;

(8) legal fees, including court costs, witness fees, and related costs, including travel and security, audit costs, and professional fees; and

(9) state bar and legal association dues.

SECTION 2. The changes in law made by this Act apply to the disposition or use, on or after the effective date of this Act, of proceeds or property received by a law enforcement agency or attorney representing the state under Chapter 59, Code of Criminal Procedure, regardless of whether the receipt of the proceeds or property occurred before, on, or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2013.

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